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IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	
	§	
HERMAN E. HOFFMAN, JR.	§	CASE NO. 16-32617
	§	
DEBTOR.	§	CHAPTER 12

RESPONSE TO TRUSTEE'S AMENDED MOTION TO DISMISS OR CONVERT

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE

Herman E. Hoffman, Jr., debtor in the above styled cause, files this initial response to the Trustee's amended motion to dismiss or covert, and would say the following:

1. The debtor filed his Chapter 12 bankruptcy on May 19, 2016.
2. Although tardy, all the monthly operating reports have been filed.
3. The debtor has received confirmation objections from certain creditors, some of which have provisions which are appropriate and which must be cured prior to the filing of a confirmable plan. The debtor believes he can revise the present plan in a manner which will allow confirmation. The debtor believes he shall file such a document by February 13, 2017.
4. Although there has been some delay, the debtor does not believe he has acted in a way that has been unreasonable or prejudicial to creditors. The debtor's principal sources of revenue

will arise from his retrieval and use of business assets presently held by others. In his efforts along those lines, he has filed three adversaries and will file a counterclaim against one creditor. He anticipates filing additional adversaries to retrieve his assets.

5. The debtor has filed this case and has been acting in good faith throughout. Although no single factor is considered determinative of the issue of lack of good faith in bankruptcy, it is generally agreed that the facts and circumstances of each case are determinative. The debtor believes that with successful adversaries he has sufficient resources to pay creditors. None of the anticipated expenses are inflated. There are numerous creditors, No insiders are preferred over creditors. The debtor has an ongoing business. With the resolution of the adversaries, the reorganization will be successful. There have been no intentional or material misrepresentations.

6. The debtor understands the concern of the Trustee and intends to continue to actively pursue his business and operations and the confirmation of his Chapter 12 plan in an appropriate and meaningful way.

Wherefore, the debtor requests the Court deny the motion of the Trustee to dismiss this case or convert this case to another chapter and to grant him such other and further relief to which he may be entitled.

Respectfully submitted,
/s/William A. Whittle
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent this 30th day of January, 2017, to the parties on the attached list, by first class mail, adequate postage prepaid or by electronic mail.

/s/William A. Whittle
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